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No. 57.

1st Session, 8th Parliament, 27th Victoria, 1863.

BILL.

An Act for the protection of Standing Timber
in Lower Canada.

Received and read first time Thursday, 3rd
September, 1863.

Second reading, Monday, 7th September
1863.

MR. GEFERION.

QUEBEC :

**PRINTED FOR THE CONTRACTORS, BY HUNTER &
ROSE & LEMIEUX, ST. URSULE-STREET.**

An Act for the Protection of Growing Timber in Lower Canada.

WHEREAS it is expedient to make provision for the protection and Preamble.
 preservation of growing timber in Lower Canada: Therefore Her
 Majesty, by and with the advice and consent of the Legislative Council
 and Assembly of Canada, enacts as follows:

- 5 **1.** Whenever a municipal council has passed a by-law providing that
 any portion whatsoever of the municipality on which the timber is still
 standing shall be preserved as a woodland, no proprietor within the said
 thereafter extent so set apart shall be entitled to demand *découvert* or
 any of the *mitoyen* duties which may otherwise be required from neigh-
 10 bors, in virtue of chapter twenty-six of the Consolidated Statutes for
 Lower Canada. If any portion of a Municipality be set apart as to wood land.
- 11 **2.** The municipal council in any municipality within the limits of which
 any extent of land may be so set apart to be preserved as a woodland, shall
 have power to verbalise roads passing through such woodland and lead-
 14 ing thereto, of a width less than that fixed by chapter twenty-four of
 the Consolidated Statutes for Lower Canada, and to prevent the making
 and maintenance of fences and ditches on the sides of the said roads,
 and to direct that the said roads shall only be kept in order during
 certain periods of the year. Powers of Municipalities as regards roads in such case.
- 20 **3.** But no such by-law shall be valid until it has been approved by a
 majority of the proprietors of lands within the said extent of land so
 set apart, in the manner following, that is to say: By-law only to be valid on being approved.
- 25 **4.** Such by law or every material provision thereof shall, for at least
 one month before the final passing thereof, be published for the infor-
 mation of the ratepayers in some newspaper published weekly or oftener
 within the territorial jurisdiction of the municipality, or if there be no
 such newspaper, then in some newspaper published in the place nearest
 to such jurisdiction; and also by posting the same up in at least four
 30 public places in the municipality, with a notice signed by the clerk of
 the municipality in the council of which the by-law originated, specifying
 in such notice the date of the first publication of the by-law, and
 signifying that it is a true copy of a by-law which will be taken into
 consideration by the council of the municipality after the expiration of
 one month from the first publication thereof in such newspaper; and
 35 that on some day, and at some hour and place named in the notice, and
 which shall be previously fixed by the said council, such day not being
 less than three weeks nor more than four weeks after such first publica-
 tion, a general meeting of the qualified municipal electors of the muni-
 40 cipality will be held for the purpose of considering such by-law, and
 approving or disapproving of the same. Formalities to obtain approval of by-law.
- 5.** On the day and at the hour and place (or places) appointed by
 such notice, the qualified municipal electors, or such of them as choose
 to attend the meeting, shall take the said by-law into consideration, and
 shall approve or disapprove of the same. Meeting of Municipal Electors.

- Mayor to pre-** **6.** At such meeting the mayor of the municipality in which it is held shall preside, or in his absence some other member of the council of such municipality, to be chosen by the meeting. **5**
- Question to be decided.** **7.** The clerk of such municipality shall have with him the assessment rolls of the municipality then in force, or certified copies thereof, and shall act as secretary; and the only question to be determined at such meeting shall be, whether the majority of the municipal electors present thereat do or do not approve of the by-law. **5**
- Duty of person presiding.** **8.** When the question has been put, the person presiding shall declare whether in his opinion the majority is for the approval or disapproval of the by-law; and his decision, if not forthwith appealed from, shall be final, and shall forthwith be communicated to the council of the municipality which originated the by-law, by a certificate under the hand of the secretary of the meeting. **10**
- Poll may be demanded.** **9.** Any six duly qualified municipal electors present at any such meeting may appeal from the decision of the person presiding, and demand a poll; and such poll shall be granted by the person presiding at the meeting, and shall be immediately taken by him, the clerk of the municipality acting as poll clerk. **15**
- How votes shall be taken.** **10.** Each elector shall then present himself in turn to the person presiding, and shall give his vote, "Yea" or "Nay"—the word "yea" meaning that he approves the proposed by-law, and the word "nay" that he disapproves the same; but no person's vote shall be received, unless he appears by the assessment rolls to be a duly qualified municipal elector. **20**
- Adjournment of poll.** **11.** The person presiding may, if necessary, adjourn the poll at sunset on the day of meeting until ten o'clock in the forenoon of the following day, not being a Sunday or statutory holiday, when the poll shall be continued as on the first day, but shall be closed at sunset of such second day. **25**
- Closing of poll.** **12.** If at any time on the first, or second day one-half hour elapses without a vote being offered, the poll shall be closed. **30**
- Certificate of result of poll.** **13.** At the close of the poll, the person presiding shall count the "yeas" and the "nays," and ascertain and certify, for the information of the council which originated the by-law, whether the majority is for the approval or disapproval of the said by-law; and such certificate shall be counter-signed by the clerk of the municipality acting as secretary of the meeting; and kept by him, with the poll list, among the records of his office, and if the by-law originated with a county council, a duplicate thereof shall be transmitted to the county clerk. **35**
- Publication of by-law.** **14.** After the by-law shall have been approved, it shall be published in the same manner as all other municipal by-laws, together with the resolutions of the meeting before being put into force. **40**